IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

RP.No. 342 of 2007(C)

(AGAINST THE JUDGMENT IN WPC.6325/2006 Dated 24/03/2006)

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REVIEW PETITIONER/THIRD PARTY:

SHAJI @ SHAJIMON,
VADKARASSERY,
K.R.PURAM.P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.SOORAJ T.ELENJICKAL
SMT.RESHMI POULOSE
SRI.ANTONY KALAMBUKADAN

RESPONDENTS/RESPONDENTS 1 TO 2 & PETITIONER IN WP(C) 6325/06:

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1. THE DISTRICT COLLECTOR,
   ALAPPUZHA.

2. THE ADDITIONAL TAHSILDAR,
   TALUK OFFICE, CHERTHALA.

3. THE VILLAGE OFFICER, PALLIPPURAM.

4. BETTY KUNJUMON,
   W/O.KUNJUMON, AGED 39 YEARS,
   KURISINKAL HOUSE, K.R.PURAM.P.O.,
   CHERTHALA, ALAPPUZHA DISTRICT.

R1 TO R3 BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL.
R4 BY ADV. SRI.M.RAMESH CHANDER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 03/04/2007,

THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

S.SIRI JAGAN, J.

R.P.NO.342/2007 in W.P(C) NO.6325/2006

Dated this the 3rd day of April, 2007

O R D E R

The contention of the petitioner in the review petition is that although the petitioner in the writ petition was well aware that any order passed in the writ petition would directly affect the petitioner in the review petition as is evidenced by Ext.P1 judgment produced by the petitioner herself in the writ petition, the petitioner in the writ petition has not cared to implead the petitioner in the review petition as a party to the writ petition, which, according to the petitioner in the review petition, is deliberate and mala fide.

2. I find considerable merit in this contention. It is also brought to my notice that the petitioner in the review petition had, in fact, filed a suit and obtained an injunction against the State in respect of the property in question. That suit is still pending although counsel for the petitioner in the writ petition submits that interim injunction has been vacated on 12.4.2006. Whatever that be, since any decision in the writ petition affects

the petitioner herein also, I feel that it is only proper to hear the petitioner in the review petition also in the writ petition. Accordingly, the review petition is allowed. My judgment dated 24.3.2006 is recalled and the writ petition is reposted for hearing. Status quo shall be maintained as on today, in the mean while.

Post the writ petition for hearing after vacation.

S.SIRI JAGAN,
Judge

Mbs/